

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION**

ANDREA MARTINEZ,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Civil Action No. 5:19-CV-6135-FJG

JOINT STATUS UPDATE

Pursuant to the First Amended Scheduling Order, (Doc. 103), Plaintiff Andrea Martinez and Defendant United States of America submit the following joint status update.

PROCEDURAL HISTORY

Andrea Martinez (“Plaintiff”) filed this action on October 10, 2019, against Defendant Ronnett Sasse, Defendant Everett Chase, and Defendant United States of America. The claims against Defendant United States of America are made pursuant to the Federal Tort Claims Act, for assault, battery, false arrest, false imprisonment, and negligent infliction of emotional distress. Plaintiff’s claims against Defendants Sasse and Chase were made in their individual capacities, pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), for excessive force and unlawful search and seizure in violation of the Fourth Amendment.

On May 5, 2020, Defendant United States of America and Defendant Chase filed their respective Answers. Defendant Sasse filed her Amended Answer on June 17, 2020. On August 26, 2020, Defendant Sasse moved for Judgment on the Pleadings based on qualified immunity. (Doc. 52). After the motion was fully briefed, the Court denied Defendant Sasse’s motion. (Doc. 66).

Defendant Sasse appealed to the Eighth Circuit. The Eighth Circuit held that it was not clearly established as of June 2018 that Defendant's Sasse's conduct constituted a seizure under the Fourth Amendment and that Defendant Sasse therefore was entitled to qualified immunity. *Martinez v. Sasse*, 34 F.4th 506 (8th Cir. 2022). Plaintiff filed a stipulation dismissing claims against both Defendants Sasse and Chase in their individual capacities on June 26, 2022, making the sole defendant in this case Defendant United States of America ("Defendant"). (Doc. 93).

All parties participated in a MAP mediation with an outside mediator on July 21, 2020. On August 25, 2022, Plaintiff and Defendant United States of America participated in a mediation before Magistrate Judge Gaddy. No agreements were reached at either mediation.

DISCOVERY

The parties have exchanged written discovery and there are no outstanding requests for written discovery. The parties will continue to supplement written discovery responses and document production as appropriate. Plaintiff has completed the depositions of Paul Dechir, Alex Bragg, Dustin Sutton, Everett Chase, and Ronnett Sasse. Defendant has completed the depositions of Plaintiff and Megan Galicia. The parties do not presently anticipate the need for further depositions. Plaintiff completed her Rule 35 mental exam by Dr. William J. Giakas on December 8, 2022. Discovery closes on December 30, 2022.

PENDING QUESTIONS

Pending before the Court is Plaintiff's Motion to File Exhibits Attached to Plaintiff's Supplemental Rule 26(a)(2)(C) Expert Disclosures Under Seal, filed on October 27, 2022. (Doc. 113). Defendant filed its opposition on November 8, 2022, (Doc. 117), and Plaintiff filed her reply on November 21, 2022. (Doc. 123). There are no other matters currently pending before the Court.

The parties are presently unaware of any potential problems with the completion of discovery, dispositive motion deadlines, or other pretrial matters.

Dated: December 15, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on December 15, 2022, a copy of the foregoing was filed electronically and served on all counsel of record by operation of the CM/ECF system.

/s/ Emily Carney
Emily Carney
Attorney for Plaintiff